

LAW

Sergeant Thomas Summerhayes deposed: About 11 o'clock on the night of Sunday the 25th May, I went to the prisoner's house in Latrobe-street. I went up the back door and went up stairs, and entered the front room in the passage. The furniture in the room was very much tossed about, and there were some tumbler and chimney ornaments broken on the floor. There were a few slight stains of blood on the pillow, but these were from the hands of Edmond Jones, who had fallen on the body of the deceased woman to kiss it, and afterwards lay on the floor.

ing secured the premises for the prisoner without success. I then discovered a lot, which was entered by a perpendicular ladder. I ascended the ladder, and raising my head above the trap-door, I saw the prisoner at the far end of the hall, with what appeared to be a knife in his hand. He was about to be ladder at my request, and at this time he had said to me, I said, "What have you done with the knife?" He answered that he had left it upstairs. I then the murder of a young man in the house, and recommended him not to say anything, or it might be used in evidence against him. He then said, "I am guilty." He was crying at the time, but if he had not seen the knife, he would not have occurred to the soul, and he would not have said anything at all. I then sent her to the house, and she said that some of the should have hardened

then observed he had blood on one side of his neck. I said you can have by trying to commit suicide. He replied, "Yes, I was once in that position, but I must take him to the hospital, and he asked me to do that. I said, "You might be mortally wounded, and I would be in a worse case." His answer was, "No, my wounds are not bad enough to require treatment, but small cuts on his neck. They were rather low, not deep, and resembled scratches. These wounds were on the left side of his neck, and the prisoner then washed his hands, which were lacerated, with soap and water. On searching him at the watchhouse, I found in his pocket a piece of coarse green cloth, and a small piece of silver. Next day I went to the hospital and found the dress produced lying on the floor of the bedroom. The pocket was turned inside out, and the dress was marked with blood. The marks on the floor of the marks looked as though they had been made by bloody hands touching the dress, and some of the blood on the floor had fallen. The prisoner said he did not slightest sign of liquor on his person, and he was not arrested. On the way from the hospital to the watchhouse he said he had been drinking.

Continued. Mr. Aspinall: Orchard and the two women remained in the house all night. The police were placed in charge, with strict orders not

Edward Barker, surgeon, who was called to see the deceased on the night of the 28th May, described at the autopsy appearances presented by the house, and the position of the body. Barker said that he found the cut near the left arm and head of the deceased by which there were six or seven incised wounds on the right side of the neck, running into each other. These wounds were jagged, having apparently been made with a sharp instrument, and the cuts went downwards. From the jagged nature of the wounds a struggle must have been going on, while they were being inflicted. He did not think the wounds could have been made by a knife, but was likely that blood from a cut finger would ring

went upon a handkerchief from early in the afternoon until 11 o'clock at night.
 The prisoner, named **Aspinal**, the prisoner had been employed at the hospital as a bedmaker for the last six years. He had the reputation of being a peaceable and quiet man. He was lame, but his hands were not much affected by his lameness, and it would be easy for him to overpower a woman.
William Turner, resident surgeon at the Melbourne hospital, proved having desired the prisoner's wounds, and he had several deep and deadly wounds on the right side of his neck. Summerville was charged with the murder of his wife, and he appeared to be very much distressed. In answer to witness, the coroner asked the prisoner if he was his wife, and that drink had been the cause of the assault. The

wounds ran from behind the right side of the neck towards to the left. Prisoner was well liked at the time by his fellow workmen and had him a personal friend named John. The wound on his neck had been inflicted with a shaper instrument than the knife produced.

Q. Examined by Mr. Aspinall: The wound on the prisoner's neck were on the right side, and the knife appeared to have been drawn downwards from the back of the head.

A. Yes, that was the case for the Crown.

Mr. Aspinall then addressed the jury for the defence, submitting that there were circumstances of the case involved in so much obscurity that the jury would be unwise in taking any opinion upon the facts that they were laid by the Crown to prove. The Prisoner was

men on the most affectionate terms with the deceased woman up to a very short time before her death, and he would ask the jury not to convict of deliberate murder a man who had professed to be loved by the thought that the woman who occupied the position of a wife was about to leave him for a paramour, had unfortunately been the cause of her death. The words in the prisoner's statement that he had been caused by a blow from the tongue, which were found false by the deceased, and there was no evidence to show that the woman had not died of her own mind. When the prisoner said he had been brought out, he meant that her death had been brought about by his relations with her, and his subsequent remark showed that he did not mean he had no violent emotion. It was not a violent emotion, but a violent man, and he

fluence of jealousy under circumstances like those detailed in the present case, especially as the woman was not bound to him by the marriage tie; and she was not a party to the jury testimony which established the capital offence upon the testimony of witnesses like those who had been examined to-day.

His Honor, in summing up, said the crime appeared to be a crime under the influence of jealousy. The prisoner had taken no precautions to secure his own safety. With reference to the prisoner having been actuated by motives of jealousy, he was bound to tell him that he was not a party to the jury testimony which was jealous, though that woman were his wife, he was guilty of murder; and that the crime would not be reducible to manslaughter unless the evidence established that the crime was committed under the influence of jealousy.

adultery. In distinguishing between murder and manslaughter in this case, the jury had therefore only to take into consideration the relation in which the parties stood to each other, and the manner in which the offense was inflicted. If they thought the woman had aroused his passions in any way, had struck him, or had greatly provoked him, they might convict the prisoner of the minor offense.

"The jury returned to consider their verdict at twenty minutes to 6 o'clock. About an hour afterwards they returned into Court, and requested his Honor to explain to them a second time the points they might take into consideration in the view of convicting the prisoner of manslaughter."

His Honor did so, and also read over portions of his

The jury again retired, and returned into Court at two o'clock, finding the prisoner "guilty of murder," with a strong recommendation to mercy.

The prisoner was remanded until the following day (Thursday, the 22nd of June), at half-past eleven o'clock.

On being brought up for sentence, the prisoner was asked the usual question, "Whether he had anything to say which the court or the jury should take notice of?" He replied, No, sir.

Silence having been proclaimed in the usual form, His Honor proceeded to pass sentence of death. He observed that the prisoner had been convicted of murdering a woman with whom he was living in a considerable state of intimacy, although there was no

seemed to suppose that she was his wife, and
rejoiced that their acquaintance had been so
long. He (the prisoner) had taken
her into his house for her, and in some degree seemed to be
cohabited with her. The deceased seemed to have
some money of her own, which she used to
purchase some protection. Such cohabitation might have
been sentimental, his jealousy and its intense
vengeance. She had formed an idea of marrying
another man. His home in the prison did not know
of her, or her mother. He never sought to
marry her, and to incur such larger
responsibilities; but at any rate she was his wife
for her own conduct, not being bound to him by any
kind of gratitude. Their acquaintance had commenced
in levity, and without any moral obligation; there-

more, nothing would warrant the intensity of the feelings which the prisoner seemed to have. The circumstances which she had been told of by the wife of another man, seemed that some dreadful deed of violence had been contemplated by the prisoner, when he had moved more than one instance that she never should become the wife of any other man, and these feelings seemed to have got to their worst when the young man who wanted to marry the woman came down to him, and she received the blow of his Honor indignantly. He told the prisoner that he had killed the unhappy woman in a cruel and barbarous manner, inflicting several wounds—for it seemed as if the first might not have blood had not checked him. He had persisted, and he had not suddenly put her to death. In some respects it seemed that the dreadful act was

deliberately done; yet it appeared
was done without forethought as to what was
to become of his own life. He did not think

COLLECTION OF CITIZENS' LISTS.—Notice is hereby given that the persons hereinafter mentioned have been appointed to prepare the CITIZENS' LISTS for the year 1865, viz:—
GIPPS WARD. John Williams.
BOURKE WARD. James T. Groot.
BANKS WARD. Francis B. Davidson.
MACQUARIE WARD. J. M. Dwyer.
COOK WARD. W. R. Sheppard, jun.
FITZROY WARD. Henry G. S.
PHILLIP WARD. A. C. Delahoy.
DUNSTON WARD. John Kellie.
The Collectors will be subject to a penalty of one shilling for each name improperly omitted from or inserted upon the several Lists.

DRIVERS' LICENSES SUSPENDED.—Notice is hereby given that the persons hereinafter mentioned of the Hackney Carriage and Omnibus By-Laws, the Licenses of the undermentioned persons have been SUSPENDED for the periods set against their respective names, viz:—
OMNIBUS DRIVERS.—Charles Froo, one week; Thomas Carbet, one week; Arthur Holmes, two weeks; John Wright, one week.
CAB DRIVERS.—George Stewart, one month; Christopher Mann, one week; John Herson, two weeks; Charles H. Woolcott, one month.

CONTRACTORS.—TENDERS will be received at this office until 3 o'clock on MONDAY, the 27th June, for the performance of the work mentioned in the specification to be seen at the Office of the City Engineer, viz:—
1. Construction of a SEWER between Riley and Williams streets.
2. Construction of a SEWER, between Brisbane and Goulburn streets.
The Municipal Council will not be bound to accept the lowest or any tender; nor will any tender be taken into consideration unless accompanied by the names of two responsible persons willing to become surety to the extent named in the specification for the due fulfilment of the contract.

CONTRACTORS.—TENDERS will be received at this office until 3 o'clock on MONDAY, the 27th June, for the performance of the work mentioned in the specification to be seen at the Office of the City Engineer, viz:—
1. Forming, Ballasting, and Blinding Burton-street, between Darling and Goulburn streets.
2. Forming, Ballasting, and Blinding Brougham-street, between Liverpool and Burton streets.
The Municipal Council will not be bound to accept the lowest or any tender; nor will any tender be taken into consideration unless accompanied by the names of two responsible persons willing to become surety to the extent named in the specification for the due fulfilment of the contract.

PADDINGTON MUNICIPALITY.—NOTICE.—A plan of the sections of the intended Levels of Cascade-street, between Darling and Goulburn streets, will be open for inspection, at the Council Chambers, Paddington, for the period of fourteen days from the 26th instant; hours from 9 a.m. to 4 p.m.
By order of the Chairman,
JOHN DAVIS, Council Clerk.

PADDINGTON MUNICIPALITY.—TENDERS.—For about 180 yards first-class kerb and gutter, on the old South Head Road, from Goulburn Lodge towards William-street.
For about 60 yards second-class kerb and gutter, in Goulburn-street, from Macquarie-street to Mr. Taylor's fence.
Tenders at per yard to be left at the Council Chamber, on or before 6 p.m. on FRIDAY next, 30th instant.

IN THE ESTATE OF JOHN DENGATE, late of the said County of New South Wales, deceased. All persons having CLAIMS against the said Estate are requested to forward particulars thereof to Messrs. MCCARTHY, SON, and DONOVAN, Solicitors, 125, Castlereagh-street, within fourteen days from this date, to wit: FRIDAY, 17th June, 1865.

IN THE ASSIGNED ESTATE OF MILLER, JOHNSON, and CO.—A third dividend in the above estate will be payable at the office of Messrs. Richardson and French, 142, Pitt-street, Sydney, on and after MONDAY next, the 26th instant.
W. C. WRENCH, } Trustees.
R. W. KEELE, }

IN THE ESTATE OF THE LATE MRS. ELLEN E. RYLAND, deceased.—All persons having any CLAIM on this estate are requested to send particulars thereof immediately, to Mr. HENRY LUDWIG DUNN, No. 65, Forbes-street, Woolloomooloo, one of the executors under the will of the above-named deceased.

IN THE ASSIGNED ESTATE OF W. POLLE, late of the said County of New South Wales, deceased. All persons having CLAIMS against the said Estate are requested to forward particulars thereof to Messrs. MCCARTHY, SON, and DONOVAN, Solicitors, 125, Castlereagh-street, within fourteen days from this date, to wit: FRIDAY, 17th June, 1865.

NOTICE.—Wanted the Inhabitants of Pictou, and all whom it may concern, to KNOW that the undersigned has been appointed to carry on the Butchering Business lately carried on by J. Maguire, and still intended carrying on the same under the name and style of BIRRELEY and OLIVER, late MAGUIRE.

NOTICE.—All CLAIMS against the assigned estate of DAVIS HAYMAN, late of George-street, are requested to be made under cover to the Trustee, Mr. JOHN DAWSON, solicitor, 136, Pitt-street, on or before WEDNESDAY, the 5th July.

NOTICE.—Messrs. ROWLEY and HOLDSWORTH are empowered to act as Attorneys in all matters pertaining to my private affairs.

CHARLES RIDMAN, Green, South Head Road, Sydney.—C. KIDMAN having commenced the manufacture of all kinds of biscuits and confectionery, invites the attention of the public to the superior quality of the articles manufactured by him.

JOHN McDOWALL and SONS, Walkers, Sydney.—Every description of Machinery for working in wood, such as patent vertical saw frames, to take in logs up to six feet square or round; common vertical saw frames, driven above or below, containing planing and moulding machines; circular grooving and feathering, moulding, tenoning, and boring machines; mortising and tenoning machines; circular saw benches of every size; travelling saw tables, with iron wooden tops, &c. Prices, plans, &c., with all further particulars, W. MACDONALD, agent, 10, Macquarie-place.

ALL THE POPULAR MUSIC.—ONE-THIRD LESS THAN LONDON PRICES.
PIANOFORTES and HARMONIUMS.
All the celebrated makers at LONDON PRICES.
The latest and most popular music, in songs, pieces, dance music, &c., from all the operas; instruction books for all instruments; Choral songs, &c.,—one-third less than published prices.

THE LONDON JOURNAL.—An Illustrated Publication of the most interesting and valuable information to be obtained from the works of the best writers in the world. Its contents embrace the best works of the best writers in the world. Its contents embrace the best works of the best writers in the world.

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ESTABLISHED 25 years.—Dr. J. EMANUEL, Doctor of Medicine, and Licentiate in Midwifery, 1836. Artificial teeth, gold and vulcanite (tooth extracted), both stopped with gold cement, teeth cleaned from tartar; children's teeth regulated. Moderate charges. Address: Pitt-street North, near Mr. Fisher, Bootmaker, opposite Toogood's Hotel. Hours from 9 a.m. to 5 p.m.

BARON LIBERG'S FARINACEOUS FOOD.—Prepared and SOLD by A. G. WILKINSON, Chemist, 7, Hunter-street, Sydney; May be had from Mr. Fisher, Bootmaker, opposite Toogood's Hotel. Hours from 9 a.m. to 5 p.m.

ONKILL'S SUGAR-COATED ANTIBILIOUS PILLS.—Carefully prepared from the recipe of an eminent English physician, are quite free from mercury, and in all cases effect a certain and speedy cure of liver complaint, constipation, nervousness, headache, indigestion, &c.; as a purifier of the blood they are invaluable. In bottles, 1s. 6d. and 2s. 6d. and 4s. 6d. R. H. O'NEILL, Chemist, &c., corner of Pitt and King streets.

CAUTION.—COCKLES' ANTIBILIOUS PILLS.—Fraudulent imitations of these celebrated pills are in circulation, having the stamp, bill, and label all counterfeited. Some of these counterfeiters have the stamp printed with a full stop after the word "OFFICE," and are wrapped with one bill only, the boxes lined purple or red, and the pills themselves irregular in form, with indistinct markings on their surface. The genuine Cockles' pills are wrapped with two bills, the boxes are white inside, and the pills are perfectly globular in form, and present no indistinct markings whatever. May be had from Mr. Fisher, Bootmaker, opposite Toogood's Hotel. Hours from 9 a.m. to 5 p.m.

WATTS' PATENT OXYGEN OF CARBONATE OF POTASH.—The rapidly increasing demand for the above most valuable medicine has induced several persons to introduce a preparation under the name of "WATTS' PATENT OXYGEN OF CARBONATE OF POTASH," and in order that no mistake or disappointment should occur, the public are informed that the genuine "WATTS' PATENT OXYGEN OF CARBONATE OF POTASH" is wrapped with two bills, the boxes are white inside, and the pills are perfectly globular in form, and present no indistinct markings whatever. May be had from Mr. Fisher, Bootmaker, opposite Toogood's Hotel. Hours from 9 a.m. to 5 p.m.

RATS, RATS, RATS.—Try Scott's Magic Paste—effectually destroys rats, mice, &c., without leaving any disagreeable smell. 1s. per pot. Agents, A. J. WATT and CO., 534, George-street, Sydney.

PARINA.—The only pure preparation of the fine Indian Corn Flour in combination with two other farinaceous substances of the most nutritious description, particularly adapted for febrile, nervous, and for young children. Price 1s. per packet. Sole Importers, A. J. WATT and CO., 534, George-street, Sydney.

DINNEFORD'S FLUID MAGNESIA.—Has been, during 35 years, emphatically sanctioned by the medical profession, and is universally accepted by the public as the best remedy for acidity of the stomach, heartburn, headache, gout, and indigestion, and as a mild aperient for delicate constitutions, more especially for children and the elderly. Combined with the most refined lemon syrup, it forms an agreeable effervescent draught, in which its aperient qualities are most increased. During hot weather, and when the system is deranged, the regular use of this simple and elegant remedy has been highly beneficial.

TO INVALIDS.—DAVENPORT'S TONIC SYRUP.—This is a compound containing various elements requisite for a healthy sustenance of the body, and is found particularly serviceable in cases of nervous debility arising from residence in warm climates, loss of sleep, of exercise, of food, and of the system generally. It is rapidly assimilated, and its use is attended with the most beneficial results. Indigestion, loss of appetite, nervousness, and lassitude, it is speedily efficacious. By the continuance of its use, the system is gradually restored to its normal condition, and the most vigorous and healthy state is attained.

HOLLOWAY'S PILLS.—Purify the Blood.—The blood is the life of life. Flesh, bone, muscle, nerve, and integument are formed from it. Holloway's Pills purify the blood free from contamination, and thus ensure perfect health, strength, vigour, and enjoyment. Sold at 24s. per box. Wholesale agents, Messrs. WORMS and CO., Wynyard-street, Sydney.

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VICTORIA HOUSE, HIGH VILVET MANTLES.—To the Ladies of Sydney.—In accordance with our usual custom, we shall, on MONDAY next, 26th June, commence to clear out the unsold portion of our magnificent stock of Winter Mantles, at about half-price, and on account of the extraordinary amount of business done in our Mantle Show Rooms during the months of March, April, and May, the balance of mantles now on hand is only about

THREE THOUSAND POUNDS in value, which are determined to clear out, as usual, previous to our half-yearly stock-taking, on the 21st July. We desire to attract special attention to our RICH GENUINE VELVET MANTLES, of which we have only one hundred left, and these will be offered at HALF-PRICE.

RICH CORDED SILK MANTLES.—Only forty-one left, to be sold at HALF-PRICE. O'FERRA & MANTLES, at HALF-PRICE. A choice lot of Indian Jackets will also be offered with the above.

FARMER, PAINTER, and POPE.—GENTLEMEN'S FASHIONABLE BLACK HATS, as worn in LONDON and PARIS.

FARMER, PAINTER, and POPE.—respectfully invite the attention of gentlemen requiring first-class hats to their present stock, which has been augmented by the opening of several cases, as under:—BLACK SILK HATS, brim 1 1/2 inches wide, 10s. 6d. and 12s. 6d. and 14s. 6d. and 16s. 6d. and 18s. 6d. and 20s. 6d. and 22s. 6d. and 24s. 6d. and 26s. 6d. and 28s. 6d. and 30s. 6d. and 32s. 6d. and 34s. 6d. and 36s. 6d. and 38s. 6d. and 40s. 6d. and 42s. 6d. and 44s. 6d. and 46s. 6d. and 48s. 6d. and 50s. 6d. and 52s. 6d. and 54s. 6d. and 56s. 6d. and 58s. 6d. and 60s. 6d. and 62s. 6d. and 64s. 6d. and 66s. 6d. and 68s. 6d. and 70s. 6d. and 72s. 6d. and 74s. 6d. and 76s. 6d. and 78s. 6d. and 80s. 6d. and 82s. 6d. and 84s. 6d. and 86s. 6d. and 88s. 6d. and 90s. 6d. and 92s. 6d. and 94s. 6d. and 96s. 6d. and 98s. 6d. and 100s. 6d. and 102s. 6d. and 104s. 6d. and 106s. 6d. and 108s. 6d. and 110s. 6d. and 112s. 6d. and 114s. 6d. and 116s. 6d. and 118s. 6d. and 120s. 6d. and 122s. 6d. and 124s. 6d. and 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